

Misbranding was alleged in substance for the reason that the labels on the containers bore the statements, regarding the article or the ingredients and substances contained therein, viz, "Olio La Viva Italia Brand Superior In Quality, Purity, Economy & Flavor To Olive Oil Fine Edible Salad Oil Blended With Pure Olive Oil A Compound—Packed In New York Net Contents 1 Gallon" (or "1 Quart") "* * * Olio La Viva Italia Brand Garantito Puro Eccellente Da Tavola * * * La Viva Italia Brand Oil For Salad Mayonnaise Cooking Frying * * *," which statements were so arranged as to size of type and location on the label that they were false and misleading and deceived and misled the purchaser into the belief that the article was pure olive oil or salad oil when it was not, and that the cans contained one gallon or one quart, as the case might be, whereas they did not, being short in volume. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, salad oil, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 31, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9346. Adulteration and misbranding of vinegar. U. S. * * * v. 8 Barrels of Cider Vinegar.
Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 13983. I. S. Nos. 6261-t, 6262-t. S. No. E-2904.)

On December 2, 1920, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 barrels of cider vinegar, remaining unsold in the original unbroken packages at Stamford, Conn., alleging that the article had been shipped by F. E. Jewett & Co., Lowell, Mass., in part on or about August 12, 1920, and in part on or about October 11, 1920, and transported from the State of Massachusetts into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (On barrel head) "Pure Cider Vinegar Made From Apples * * * Reduced to not less than 40 grains acidity * * *."

Adulteration of the article was alleged in substance in the libel for the reason that distilled vinegar had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for a product purporting to be apple cider vinegar.

Misbranding was alleged in substance for the reason that the labels upon each of the barrels containing the article bore the following statements regarding the said article and the ingredients and substances contained therein, "Pure Cider Vinegar Made From Apples," which statements were so arranged as to type and location that the said label was false and misleading and deceived and misled the purchaser in that the said statements were intended to induce the purchaser to believe that the article was apple cider vinegar, when, in truth and in fact, it was not, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, cider vinegar.

On February 7, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold or destroyed by the United States marshal. The product was sold.

E. D. BALL, *Acting Secretary of Agriculture.*